

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **People of MI v Antwan J Johnson**

Docket No. **283250**

L.C. No. **01-007438-01-FH**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal is DISMISSED for lack of jurisdiction since appellant failed to file his appeal within 12 months of the entry of the September 11, 2001 judgment of sentence, and none of the exceptions to the 12-month rule found at MCR 7.205(F)(4) apply. Furthermore, appellant does not qualify for the appointment of appellate counsel pursuant to the United States Supreme Court's holding in *Halbert v Michigan*, 545 US 605; 125 S Ct 2582; 162 L Ed 2d 552 (2005), since Wayne Circuit Court, Criminal Division Judge Boykin protected appellant's constitutional rights by informing him that "[i]f you cannot afford an attorney to assist you with that process, then you would let the Court know and the Court will appoint one for you and furnish that attorney with copies of any records or transcripts that are needed for that process." (Sentence Tr, p 6).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 20 2008

Date

*Sandra Schultz Mengel*

Chief Clerk